

Monday, December 16, 2024 at 10:26:24 Eastern Standard Time

**Subject:** RE: Case No.: 2:24-cv-11205-RJW-KGA; Baird v Nessel, et al. // Motion Hearing

**Date:** Monday, November 11, 2024 at 1:05:41 PM Eastern Standard Time

**From:** Grant Newman

**To:** autumn@riziklaw.com, donnellym@michigan.gov, BarrancoK@michigan.gov, SmithJ191@michigan.gov, SoutherlandK@michigan.gov, MarshM3@michigan.gov, medmunds@gaultdavison.com, rlaltz@gaultdavison.com, lawyers@riziklaw.com

**CC:** Tara Villereal

Good afternoon:

Along with the main points raised in the Parties' briefs, Judge White would like the Parties to come prepared to address the following issues at Thursday's motion hearing:

- Key issues related to the procedural posture of the case, including:
  - The adequacy of Plaintiff's allegations in the proposed amended complaint, especially those that relate to Defendants' prosecutorial immunity defenses;
  - The propriety of addressing Defendants' qualified immunity defenses at the motion-to-dismiss stage; and
  - The Parties' attempts to introduce into the record facts that fall outside the four corners of the operative complaint and the proposed amended complaint.
- Any issues that have come up after the motions were fully briefed and/or any issues not fully addressed by the papers filed to date, including:
  - Whether the Parties have discussed or exchanged any discovery yet in the case; and
  - The status (and legal effect, if any) of (1) the Michigan Court of Claims notice Plaintiff purportedly filed earlier this year, and (2) the subsequent Michigan Court of Claims action (if one was filed).

Best,  
Grant

**Grant A. Newman** | Law Clerk to Hon. Robert J. White | (313) 234-5180

Plaintiff's Exhibit

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exhibitsticker.com

**From:** Donnelly, Mark (AG-Contractor) <[donnellym@michigan.gov](mailto:donnellym@michigan.gov)>

**Sent:** Wednesday, October 9, 2024 8:50 AM

**To:** [autumn@riziklaw.com](mailto:autumn@riziklaw.com); Tara Villereal <[Tara\\_Villereal@mied.uscourts.gov](mailto:Tara_Villereal@mied.uscourts.gov)>

**Cc:** Barranco, Kyla (AG) <[BarrancoK@michigan.gov](mailto:BarrancoK@michigan.gov)>; Smith, Joshua (AG) <[SmithJ191@michigan.gov](mailto:SmithJ191@michigan.gov)>; Southerland, Kristin (AG) <[SoutherlandK@michigan.gov](mailto:SoutherlandK@michigan.gov)>; Marsh, Monaca (AG) <[MarshM3@michigan.gov](mailto:MarshM3@michigan.gov)>; Michael Edmunds <[medmunds@gaultdavison.com](mailto:medmunds@gaultdavison.com)>; [rlaltz@gaultdavison.com](mailto:rlaltz@gaultdavison.com); Michael Rizik <[lawyers@riziklaw.com](mailto:lawyers@riziklaw.com)>

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**CAUTION - EXTERNAL:**

Ms. Villereal,

To be clear, I don't think the defense attorneys are confused about their "speaking roles" at oral argument. I think Plaintiff's attorneys want to know if they can both argue on behalf of their singular client. While I don't object to a telephonic conference to address Plaintiff's counsels' concern, I also don't think it is necessary.

Mark Donnelly

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**From:** [autumn@riziklaw.com](mailto:autumn@riziklaw.com) <[autumn@riziklaw.com](mailto:autumn@riziklaw.com)>

**Date:** Wednesday, October 9, 2024 at 8:30 AM

**To:** [Tara\\_Villereal@mied.uscourts.gov](mailto:Tara_Villereal@mied.uscourts.gov) <[Tara\\_Villereal@mied.uscourts.gov](mailto:Tara_Villereal@mied.uscourts.gov)>

**Cc:** Donnelly, Mark (AG-Contractor) <[donnellym@michigan.gov](mailto:donnellym@michigan.gov)>, Barranco, Kyla (AG) <[BarrancoK@michigan.gov](mailto:BarrancoK@michigan.gov)>, Smith, Joshua (AG) <[SmithJ191@michigan.gov](mailto:SmithJ191@michigan.gov)>, Southerland, Kristin (AG) <[SoutherlandK@michigan.gov](mailto:SoutherlandK@michigan.gov)>, Marsh, Monaca (AG) <[MarshM3@michigan.gov](mailto:MarshM3@michigan.gov)>, Michael Edmunds <[medmunds@gaultdavison.com](mailto:medmunds@gaultdavison.com)>, [rlaltz@gaultdavison.com](mailto:rlaltz@gaultdavison.com) <[rlaltz@gaultdavison.com](mailto:rlaltz@gaultdavison.com)>, Michael Rizik <[lawyers@riziklaw.com](mailto:lawyers@riziklaw.com)>

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The following is a message from Attorney Michael Rizik, Jr., regarding the above-referenced matter:

Dear Ms. Villereal,

This matter is scheduled for Motion hearings on Tuesday, November 14, 2024, at 2:00 p.m. Prior to the Motion hearings, I would like to hold a telephone status conference with the Court to discuss each party's speaking roles at the Motion hearings. The opposing counsel have no objection to this. All parties are available and can do this by Zoom or telephonically.

The purpose of the telephone status conference is to ask the Court for guidance on his procedures for oral argument. Several attorneys are involved, and we want to know if there's an order in which to present the various arguments.

Please let me know if this is feasible whenever you get a chance. Thank you in advance for your attention to this matter.

MBR

Thank you,  
Autumn Trantham

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Rizik & Rizik  
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